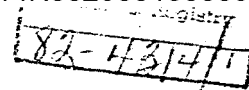


## ROUTING AND RECORD SHEET

SUBJECT: (Optional)				
FROM: Stanley Sporkin General Counsel		EXTENSION:		NO. OGC 82-01306 STAT
				DATE: 8 February 1982
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. <i>ExDir</i>	09 FEB 1982		<i>[Signature]</i>	LONG OVERDUE
2. <i>DD&amp;I has copy</i>				
3. <i>DCI</i>	2/10 FEB 1982		<i>[Signature]</i>	
4. <i>OSC</i>			<i>[Signature]</i>	OK
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OGC 82-01306

8 February 1982

MEMORANDUM FOR: Director of Central Intelligence

FROM: Stanley Sporkin  
General Counsel

SUBJECT: Department of Justice Group to Study the  
Effectiveness of Statutes and Executive Orders  
Prohibiting Unauthorized Disclosure of  
Classified Information

1. As directed by the recently issued procedures which implement National Security Decision Directive (NSDD) 19, the Attorney General will convene an interagency group to study and report to the President on the effectiveness of statutes and Executive orders that prohibit unauthorized disclosure of classified information. This effort will be coordinated by Richard Willard, formerly Counsel to the Attorney General for Intelligence Policy and now Deputy Assistant Attorney General, Civil Division. You have been asked to designate a representative to the interagency group.

2. This is not a new subject to this Office. During the last Administration an extensive study was undertaken concerning the adequacy of existing statutes governing the unauthorized disclosure of classified information. One of the objectives of that study, which as conducted by the "PRM/NSC-11 Subcommittee," was to determine what kind of legislation would be advisable to prevent unauthorized leaks. The only respect in which the current study would appear to differ from the PRM/NSC-11 exercise is that apparently this time the review will encompass the effectiveness of existing Executive orders.

3. The previous Administration's study led to a report in June, 1977. CIA had significant problems with the report and prepared a separate paper setting forth its views. Primarily as a result of the Agency's dissenting views, the NSC directed further study by the Department of Justice. An additional report was finally completed some two years later, but by this time the subject had become overtaken by other, more pressing matters. As best we can determine, the second DOJ study was referred to the counterintelligence working group of the NSC's Special

Coordination Committee, but we are not aware that any action was ever taken on the report.

4. Based upon the record concerning leaks, one might readily conclude that existing statutes and Executive orders are totally ineffective in preventing the unauthorized disclosure of classified information. That judgment would be unjustified in part, however, because, with only rare exception, little action has been taken to attempt effective investigative or enforcement action when leaks occur. Admittedly, past reluctance has been due, in part, to the anticipated legal problems that coordinated investigative and enforcement efforts would raise. Consequently, one of the conclusions the group is likely to reach is that a true assessment of the effectiveness of existing statutes and Executive orders is difficult because there has been so little effort given to enforcement of them.

5. I believe the DoJ interagency group can provide a useful service to the President by informing him of the true scope of the problems that do exist in this area. This alone may lead to more effective action to test the statutes and procedures currently available to pursue unauthorized disclosures. I propose to designate [redacted] Deputy General Counsel, as your representative in this effort, with [redacted] Associate General Counsel, serving as alternate representative. If you agree, I will dispatch the attached letter to Mr. Willard informing him of their designation.

STAT  
STAT

STAT

[redacted]  
Stanley Sprokin

Attachment.

12 FEB 1982  
OK  
WPC/dmg

# EXECUTIVE SECRETARIAT

## Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	D/ICS				
4	DD/NFA				
5	DD/A				
6	DD/O				
7	DD/S&T				
8	Chm/NIC				
9	GC		✓		
10	IG				
11	Compt				
12	D/EEO				
13	D/Pers				
14	D/OPP				
15	C/EAS/OPP				
16	C/IAS/OPP				
17	AO/DCI				
18					
19					
20					
21					
22					
SUSPENSE		Date			

Remarks:

*[Signature]*  
Executive Secretary  
2/12/82  
Date

3.637 (10-81)